

AMENDED IN ASSEMBLY JUNE 22, 2006
AMENDED IN ASSEMBLY JUNE 19, 2006
AMENDED IN ASSEMBLY JULY 6, 2005
AMENDED IN SENATE MAY 27, 2005
AMENDED IN SENATE APRIL 20, 2005
AMENDED IN SENATE MARCH 30, 2005

SENATE BILL

No. 267

Introduced by Senator Romero

February 15, 2005

~~An act relating to education.~~ *An act to amend Section 60852.3 of the Education Code, relating to pupil assessment.*

LEGISLATIVE COUNSEL'S DIGEST

SB 267, as amended, Romero. California High School Exit Examination: pupils with disabilities.

(1) Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with state academic content standards. Existing law requires, commencing with the 2003–04 school year, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Existing law requires that the high school exit examination be offered to individuals with exceptional needs, and that individuals with exceptional needs be

administered the examination with appropriate accommodations, where necessary.

Existing law requires a school principal, at the request of the parent or guardian, to submit a request for a waiver of the requirement to successfully pass the high school exit examination to the governing board of the school district for a pupil with a disability who has taken the examination with modifications that alter what the test measures and has received the equivalent of a passing score on one or both subject matter parts of the examination. Existing law authorizes the governing board of a school district to waive the requirement to successfully pass one or both parts of the high school exit examination for a pupil with a disability if specified requirements are met. Existing law requires a school district to report to the State Board of Education, in a manner and by a date determined by the Superintendent of Public Instruction, the number and characteristics of these waivers reviewed, granted, and denied and any additional information, as provided.

Existing law until December 31, 2006, requires a school district or state special school, as specified, to grant a high school diploma to a pupil with a disability who is scheduled to graduate from high school in 2006, has not passed the high school exit examination, has not received a high school exit examination waiver, and meets other specified criteria. Existing law requires a school district or state special school that fails to grant a high school diploma to such a pupil to submit certain documentation to the State Board of Education within 15 days of its determination that the pupil does not meet the specified criteria, and requires the board to review that failure to grant a high school diploma, as provided. Existing law authorizes the state board to direct the school district or state special school to grant a high school diploma to the pupil if the state board finds that the pupil meets the specified criteria. Existing law also requires the school district and state special school to report to the Superintendent certain information, including the number of pupils granted diplomas in this manner.

This bill would extend the above provisions relating to the grant or denial of a high school diploma by a school district or state special school to December 31, 2007. By extending the date on which school districts and state special schools must comply with the above requirements, the bill would impose a state-mandated local program.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law specifies the powers and duties of the State Board of Education and the duties of the Superintendent of Public Instruction.~~

~~Existing law requires a school district or state special school, as specified, to grant a high school diploma to a pupil with a disability who is scheduled to graduate from high school in 2006, has not passed the high school exit examination, has not received a high school exit examination waiver, and meets other specified criteria.~~

~~This bill would set forth Legislative findings and declarations regarding the state board, the Superintendent, and pupils with disabilities who are scheduled to receive a high school diploma in 2007 or 2008 but who have not yet satisfied a requirement in existing law to pass the California High School Exit Examination.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no-yes.~~
~~State-mandated local program: no-yes.~~

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature hereby finds and declares all of*
2 *the following:*

3 *(a) It is the intent of the Legislature to address the needs of*
4 *pupils with disabilities who are scheduled to receive a high*
5 *school diploma in 2007, who have not yet satisfied the*
6 *requirement to pass the California High School Exit*
7 *Examination.*

8 *(b) It is further the intent of the Legislature that the*
9 *Superintendent of Public Instruction and the State Board of*
10 *Education shall make recommendations to the Legislature not*
11 *later than December 31, 2007, about pupils with disabilities who*
12 *are scheduled to receive a high school diploma in 2008, with*
13 *regard to the California High School Exist Examination*
14 *requirement.*

1 SEC. 2. *Section 60852.3 of the Education Code is amended to*
2 *read:*

3 60852.3. (a) Notwithstanding any other provision of law, a
4 school district or state special school, as designated in Sections
5 59000 and 59100, shall grant a high school diploma to a pupil
6 with a disability who ~~is scheduled to graduate from high school~~
7 ~~in 2006~~, has not passed the high school exit examination, and has
8 not received a waiver pursuant to subdivision (c) of Section
9 60851, if all of the following criteria exist:

10 (1) The pupil has an individualized education program adopted
11 pursuant to the federal Individuals with Disabilities Education
12 Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to
13 Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C.
14 Sec. 794 (a)).

15 (2) ~~According to the~~ *The individualized education program or*
16 ~~the~~ *Section 504 plan of the pupil, that is dated on or before July*
17 *1, 2005, indicates that the pupil has an anticipated graduation*
18 *date of, and is scheduled to receive a high school diploma with*
19 ~~an anticipated graduation from high school in 2006 or the~~
20 ~~individualized education program or Section 504 plan of the~~
21 ~~pupil, that is dated on or before July 1, 2006, indicates that the~~
22 ~~pupil has an anticipated graduation date of, and is scheduled to~~
23 ~~receive a high school diploma in 2007.~~

24 (3) The school district or state special school certifies that the
25 pupil has satisfied or will satisfy all other state and local
26 requirements for the receipt of a high school diploma in 2006 *or*
27 *2007, as pertinent.*

28 (4) The pupil has attempted to pass the high school exit
29 examination at least twice after grade 10, including at least once
30 during grade 12, with the accommodations or modifications, if
31 any, specified in the individualized education program or the
32 Section 504 plan of the pupil.

33 (5) (A) ~~Either—(A)~~ *(i) the pupil has received remedial or*
34 *supplemental instruction focused on the high school exit*
35 ~~examination either through the~~ *from his or her school of the*
36 ~~pupil, private tutoring, or other means source, or—(B)~~ *(ii) the*
37 *school district or state special school failed to provide the pupil*
38 *with the opportunity to receive that remedial or supplemental*
39 *instruction.*

40 (6)

1 (B) If the pupil received remedial or supplemental instruction
2 ~~as set forth described in paragraph (5) clause (i) of~~
3 ~~subparagraph (A),~~ the pupil has taken the high school exit
4 examination at least once following the receipt of that remedial
5 or supplemental instruction. This ~~paragraph~~ *subparagraph* does
6 not apply if following the receipt of that remedial or
7 supplemental instruction there is no further administration of the
8 examination on or before December 31, 2006 *or on or before*
9 *December 31, 2007, as pertinent.*

10 (7)
11 (6) The pupil, or the parent or legal guardian of the pupil if the
12 pupil is a minor, has acknowledged in writing that the pupil is
13 entitled to receive free appropriate public education up to, and
14 including the academic year during which the pupil reaches 22
15 years of age, or until the pupil receives a high school diploma,
16 whichever event occurs first.

17 (b) A school district or state special school ~~as designated in~~
18 ~~Sections 59000 and 59100~~ shall submit documentation ~~of the~~
19 ~~failure to grant a~~ *relating to the denial of a* high school diploma
20 pursuant to this section to the state board within 15 days of the
21 determination that the pupil with a disability who is scheduled to
22 graduate from high school in 2006 *or 2007, as pertinent,* does not
23 meet the criteria stated in subdivision (a). The state board shall
24 review any ~~failure to grant~~ *denial of* a high school diploma by a
25 school district or state special school pursuant to this section ~~not~~
26 *no* later than its next regularly scheduled meeting, occurring at
27 least 30 days ~~following~~ *after* receipt of ~~complete the above~~
28 documentation from the school district or state special school. If
29 the state board finds that the pupil meets the criteria stated in
30 subdivision (a), the state board may ~~direct~~ *require* the school
31 district or state special school to grant a high school diploma to
32 the pupil.

33 (c) Each school district and state special school ~~as designated~~
34 ~~in Sections 59000 and 59100~~ shall report to the Superintendent,
35 in a manner and by a date determined by the Superintendent, all
36 of the following information:

37 (1) Documentation of the procedure used to implement this
38 section.

39 (2) The number of pupils granted diplomas pursuant to this
40 section.

(3) Any additional information determined to be in furtherance of this section.

(d) This section shall remain in effect only until December 31, 2006 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before December 31, 2006 2007, deletes or extends that date.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SECTION 1. The Legislature hereby finds and declares all of the following:~~

~~(a) It is the intent of the Legislature to address the needs of pupils with disabilities who are scheduled to receive a high school diploma in 2007, who have not yet satisfied the requirement to pass the California High School Exit Examination.~~

~~(b) It is further the intent of the Legislature that the Superintendent of Public Instruction and the State Board of Education shall make recommendations to the Legislature not later than December 31, 2007, about pupils with disabilities who are scheduled to receive a high school diploma in 2008, with regard to the California High School Exit Examination requirement.~~

CORRECTIONS:

Text — Pages 3 and 4.